

Filed for intro on 02/10/97
SENATE BILL 341 By
Haynes

HOUSE BILL 769
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 201, Part 1 and Title 69, Chapter 3, Part 1, relative to citizen appeals to water pollution and air pollution control boards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-105(i)(1), is amended by adding the language "or any person" after the word "applicant" and the words "or granting" after the word and punctuation "denial."

SECTION 2. Tennessee Code Annotated, Section 69-3-105(f)(1)(A), is amended by adding the words "by any person" after the words "Hear appeals", and by adding the words "actions taken, actions refused to be taken when requested," after the words "orders issued".

SECTION 3. Tennessee Code Annotated, Section 68-201-108(a), is amended by deleting the words "A person aggrieved by" and by substituting instead the words "Any person may seek review of" in the first sentence, and by deleting the words "may request" and substituting with the words "by requesting" in the first sentence.

SECTION 4. Tennessee Code Annotated, Section 68-201-108, is amended by adding a new subsection (c) as follows:

(c)(1) Any person may file with the commissioner a signed complaint against any person allegedly violating any provisions of this part. Unless the commissioner determines that such complaint is duplicitous or frivolous, the commissioner shall

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immediately serve a copy of it upon the person or persons named therein, promptly investigate the allegations contained therein, and notify the alleged violator of what action, if any, the commissioner will take. In all cases, the commissioner shall notify the complainant of the action or determination within ninety (90) days from the day of the commissioner's receipt of the written complaint.

(2) If either the complainant or the alleged violator believes that the commissioner's action or determination is or will be inadequate or too severe, such person may appeal to the board for a hearing which will be conducted pursuant to Section 69-3-110. The appeal must be made within thirty (30) days after receipt of the notification sent by the commissioner.

(3) If the commissioner fails to take the action stated in the notification, the complainant may make an appeal to the board within thirty (30) days from the time at which the complainant knows or has reason to know of such failure.

(4) The department shall not be obligated to assist a complainant in gathering information or making investigations or to provide counsel for the purpose of drawing up the complaint.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.